

fair housing U.S.A.

U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT
WASHINGTON, D.C. 20410



This is an explanation of the two major Federal laws dealing with discrimination in housing in the United States.

Racial Discrimination is Illegal in All U.S. Housing

The Civil Rights Act of 1866 provides that: “All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.”

In the case of **Jones v. Mayer**, decided on June 17, 1968, the U.S. Supreme Court held that the 1866 law prohibits “all racial discrimination, private as well as public, in the sale or rental of property.”

1968 Fair Housing Law

In Title VIII of the Civil Rights Act of 1968 (the Fair Housing Law), Congress declared a national policy of providing fair housing throughout the United States. This law makes discrimination based on race, color, religion or national origin illegal in connection with the sale or rental of **most** housing and any vacant land offered for residential construction or use.

Acts Prohibited by the Fair Housing Law

The Fair Housing Law provides protection against the following acts, if they are based on race, color, religion or national origin:

- Refusing to sell or rent to, deal or negotiate with any person (Section 804(a)).
- Discriminating in terms or conditions for buying or renting housing (Section 804(b)).

- Discriminating by advertising that housing is available only to persons of a certain race, color, religion or national origin (Section 804(c)).
- Denying that housing is available for inspection, sale or rent when it really is available (Section 804(d)).
- “Blockbusting”—For profit, persuading owners to sell or rent housing by telling them that minority groups are moving into the neighborhood (Section 804(e)).
- Denying or making different terms or conditions for home loans by commercial lenders, such as banks, savings and loan associations and insurance companies (Section 805).
- Denying to anyone the use of or participation in any real estate services, such as brokers’ organizations, multiple listing services or other facilities related to the selling or renting of housing (Section 806).

Housing Covered by the 1968 Fair Housing Law

Prohibitions contained in the Fair Housing Law apply to the following types of housing:

Single-family Housing

Single-family housing owned by private individuals when:

- A broker or other person in the business of selling or renting dwellings is used and/or
- Discriminatory advertising is used.

Single-family houses not owned by private individuals.

Single-family houses owned by a private individual who owns more than three such houses or who, in any two-year period, sells more than one in which he was not the most recent resident.

Multi-family Housing

Multi-family dwellings of five or more units;

Multi-family dwellings containing four or fewer units, if the owner does not reside in one of the units.

Acts Not Prohibited by the 1968 Fair Housing Law

The following acts are not covered by the Fair Housing Law. It is important to remember, however, that these acts **are covered by the 1866 Civil Rights Act when discrimination based on race occurs in connection with such acts.**

The sale or rental of single-family houses owned by a private individual owner of three or fewer such single-family houses if:

- A broker is not used,
- discriminatory advertising is not used and
- no more than one house in which the owner was not the most recent resident is sold during any two-year period.

Rentals of rooms or units in owner-occupied multi-dwellings for two to four families, if discriminatory advertising is not used.

Limiting the sale, rental, or occupancy of dwellings which a religious organization owns or operates for other than a commercial purpose to persons of the same religion, if membership in that religion is not restricted on account of race, color or national origin.

Limiting to its own members the rental or occupancy of lodgings which a private club owns or operates for other than a commercial purpose.

How the Fair Housing Law is Enforced

Title VIII provides three ways of obtaining compliance.

A. Complaints Can Be Sent To HUD

Discriminatory acts covered by the Fair Housing Law can be reported to:

Fair Housing
Department of Housing and Urban Development
Washington, D.C. 20410

or

Fair Housing
c/o the Nearest HUD Regional Office
(See back page for addresses)

The complainant may state his complaint in a letter or use a complaint form, obtained from HUD, the nearest HUD Regional Office, HUD-FHA Insuring Offices, or Post Offices. Complaints should be notarized, if possible, and must be sent to HUD within **180 days of the alleged discriminatory act**.

HUD will investigate the complaint. If it is covered by the law and the Secretary decides to resolve the complaint, HUD may attempt informal, confidential conciliation to end the discriminatory housing practice, or inform the complainant of his right to immediate court action. In appropriate cases, HUD may refer the complaint to the Attorney General.

The complaint may be referred by HUD to a State or local agency that administers a law with rights and remedies which are substantially equivalent to those of the Federal law. If the State or local agency does not commence proceedings within 30 days and carry them forward with reasonable promptness, HUD may require the case to be returned. In any case, the complainant will be notified of the type of action to be taken.

Upon receipt of a complaint, HUD will furnish a copy to the person charged with the discriminatory act. The person charged may then file an answer in writing, which should also be notarized.

B. Court Action by an Individual

A person may take his complaint directly to the U.S. District Court or State or local court under Section 812, within 180 days of the alleged discriminatory act, whether or not he has filed a complaint with HUD. In appropriate cases, an attorney may be appointed for the complainant and the payment of fees, costs, or security can be waived.

If HUD or the State or local agency is unable to obtain voluntary compliance, the complainant may file suit in the appropriate U.S. District Court. This must be done within 31 to 60 days after filing with HUD or after a complaint is returned to HUD from a State or local agency under Section 810 of Title VIII. In States with equivalent judicial rights and remedies, such a suit would have to be brought in State court.

The court can grant permanent or temporary injunctions, temporary restraining orders or other appropriate relief. It may award actual damages and not more than \$1,000 in punitive damages. The courts are also directed to expedite cases under Section 812 and assign them for hearing at the earliest practical date.

C. Court Action by the Attorney General

Information about possible discrimination in housing may also be brought to the attention of the Attorney General. If his investigation indicates that there is a pattern or practice of resistance to full enjoyment of rights granted under Title VIII, or that a group of persons has been denied such rights and the denial raises an issue of general public importance, the Attorney General may bring court action to insure full enjoyment of the rights granted by Title VIII.

Protection against interference with an individual's rights under this law, and the rights of persons who have aided or encouraged any other person in the exercise of his rights is provided by Section 817 of Title VIII and by Title IX of the Civil Rights Act of 1968.

These provisions make it illegal to coerce, intimidate, threaten, or interfere with a person buying, renting or selling housing, making a complaint of discrimination, or exercising any of his rights in connection with this law.

Under Section 817, appropriate civil remedies are provided. Under Title IX, criminal penalties are provided, and if violence is threatened or used, criminal prosecution may result.

How the 1866 Civil Rights Law is Enforced

The 1866 Civil Rights Law provides a quick, direct method of obtaining a remedy against racial discrimination in housing: the complainant takes his case directly to a Federal court.

The court could stop the sale or rental of the desired housing to someone else. It could make it possible for the complainant to buy or rent the housing he wants. It could award damages and court costs or take other appropriate action of benefit to the complainant.

Other Sources of Help

If further information or assistance in preparing a complaint is desired, write or call the nearest HUD Regional Office (see next two pages). Telephone numbers of the Assistant Regional Administrators for Equal Opportunity are listed. HUD is adding 23 new Area Offices this fiscal year. Their addresses are available from any Regional Office.

Help may also be obtained from one of the 76 HUD-FHA offices throughout the Nation. If you live in a large city, look in the telephone book under Federal Housing Administration.

For “fair housing” assistance, write or call:

Assistant Regional Administrator
for Equal Opportunity
HUD
John F. Kennedy Federal Building
Room 405
Boston, Massachusetts 02203
Tel. No. 617-223-4066

Assistant Regional Administrator
for Equal Opportunity
HUD
26 Federal Plaza
New York, New York 10007
Tel. No. 212-264-8472

Assistant Regional Administrator
for Equal Opportunity
HUD
Curtis Building
6th & Walnut Streets
Philadelphia, Pennsylvania 19106
Tel. No. 215-597-2667

Assistant Regional Administrator
for Equal Opportunity
HUD
Peachtree-Seventh Building
Atlanta, Georgia 30323
Tel. No. 404-526-3275

Assistant Regional Administrator
for Equal Opportunity
HUD
300 South Wacker Drive
Chicago, Illinois 60606
Tel. No. 312-353-7776

Assistant Regional Administrator
for Equal Opportunity
HUD
Federal Office Building
819 Taylor Street
Fort Worth, Texas 76102
Tel. No. 817-334-3491

Assistant Regional Administrator
for Equal Opportunity
HUD
911 Walnut Street
Federal Building - Room 300
Kansas City, Missouri 64106
Tel. No. 816-374-2661

Assistant Regional Administrator
for Equal Opportunity
HUD
New Federal Building
19th and Stout Streets
Denver, Colorado 80202
Tel. No. 303-837-4881

Assistant Regional Administrator
for Equal Opportunity
HUD
450 Golden Gate Avenue
P.O. Box 36003
San Francisco, California 94102
Tel. No. 415-556-6841

Assistant Regional Administrator
for Equal Opportunity
HUD
1321 Second Avenue
Arcade Plaza Building
Room 3071
Seattle, Washington 98101
Tel. No. 206-583-5414

**Regional and Area Offices
of the Department of
Housing and Urban Development**

| | |
|---|--|
| Region I John F. Kennedy Federal Building Boston, Massachusetts 02203 Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont | Area Offices: Manchester, N.H.; Boston, Mass.; Hartford, Conn. |
| Region II 26 Federal Plaza New York, New York 10007 New Jersey, New York, Puerto Rico, Virgin Islands | Area Offices: New York, N.Y.; Newark, N.J.; Camden, N.J.; Buffalo, N.Y.; San Juan, P.R. |
| Region III Curtis Building 6th and Walnut Streets Philadelphia, Pennsylvania 19106 Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia | Area Offices: Pittsburgh, Pa.; Philadelphia, Pa.; District of Columbia; Baltimore, Md.; Richmond, Va. |
| Region IV Peachtree-Seventh Building 50 Seventh Street, N.E. Atlanta, Georgia 30323 Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee | Area Offices: Birmingham, Ala.; Jacksonville, Fla.; Atlanta, Ga.; Louisville, Ky.; Jackson, Miss.; Greensboro, N.C.; Columbia, S.C.; Knoxville, Tenn. |
| Region V 300 South Wacker Drive Chicago, Illinois 60606 Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin | Area Offices: Detroit, Mich.; Chicago, Ill.; Indianapolis, Ind.; Minneapolis, Minn.; Columbus, Ohio; Milwaukee, Wisc. |
| Region VI Federal Office Building 819 Taylor Street Fort Worth, Texas 76102 Arkansas, Louisiana, New Mexico, Oklahoma, Texas | Area Offices: Dallas, Tex.; Oklahoma City, Okla.; San Antonio, Tex.; New Orleans, La.; Little Rock, Ark. |
| Region VII Federal Office Building 911 Walnut Street Kansas City, Missouri 64106 Iowa, Kansas, Missouri, Nebraska | Area Offices: Kansas City, Kans.; St. Louis, Mo.; Omaha, Nebr. |
| Region VIII Federal Building 19th & Stout Streets Denver, Colorado 80202 Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming | NO AREA OFFICES Insuring Offices: Casper, Wyo.; Helena, Mont.; Fargo, N.Dak.; Sioux Falls, S.Dak.; Salt Lake City, Utah |
| Region IX 450 Golden Gate Avenue P.O. Box 36003 San Francisco, California 94102 Arizona, California, Hawaii, Nevada, Guam, American Samoa | Area Offices: San Francisco, Calif.; Los Angeles, Calif. |
| Region X Arcade Plaza Building 1321 Second Avenue Seattle, Washington 98101 Alaska, Idaho, Oregon, Washington | Area Offices: Seattle, Wash.; Portland, Oreg. |

